

Sex Offender Community Notification Update:

May 1996 - September 1996

Scott Matson

October 1996



*Washington State
Institute for
Public Policy*

SEX OFFENDER COMMUNITY NOTIFICATION UPDATE: **May 1996 - September 1996**

Scott Matson

Washington State Institute for Public Policy
October 1996

BACKGROUND

The first sex offender community notification law was initiated in *Washington State*, as a provision of the state's *Community Protection Act* of 1990. Since that time, many states have followed *Washington's* lead by enacting community notification laws. With the recent federal passage of "Megan's Law," in May 1996, states are encouraged to include community notification of offenders convicted of crimes against children or sexually violent offenses in their statutes. The law honors seven-year-old Megan Kanka of New Jersey, who was raped and murdered in 1994. A twice-convicted child molester who lived on her block is awaiting trial for the killing. Currently, 40 states have some form of legislation either authorizing community notification for released sex offenders, or allowing access to sex offender registration information. Many other states have similar legislation pending. All states now require released sex offenders to register with law enforcement or state agencies.

In April 1996, an Institute report¹ analyzed state statutes covering community notification, 32 states were included. This update includes **eight additional states** that have passed legislation either authorizing community notification or allowing access to sex offender registration information.² Arizona's community notification law has been amended, therefore it is also included.

These nine state laws are analyzed in four tables. Tables 1a and 1b include the states that have recently passed legislation authorizing community notification. Tables 2a and 2b contain information on the states that have recently passed legislation that allows access to sex offender registration information.

¹ Washington State Institute for Public Policy. *Sex Offender Community Notification: A Review of Laws in 32 States*, April 1996.

² Alabama, Massachusetts, New Hampshire, Rhode Island, South Carolina, Utah, Vermont, and Wisconsin.

Table 1a
States With Community Notification Laws

State	Population Subject to Notification	Notification Process	Information Included	Levels of Risk	When Risk is Assessed
Alabama	A person convicted of a following offense: rape in the first or second degree; sodomy in the first or second degree; sexual torture; sexual abuse; or incest when offender is 20 years old or older and the victim is 18 years old or younger.	Notification by mail and by posting copy of mailed notice in a prominent place at city hall and police station closest to declared residence of released offender. Extent of notification dependent upon population density in area of offender's residence: notification to all persons with residences within 1,000 feet of offender in cities of Birmingham, Mobile, Huntsville, and Montgomery; notification to all persons with residences within 1,500 feet of offender in all other cities with a resident population of 5,000 or more; notification to all persons with residences within 2,000 feet of offender in all other municipalities with a resident population of less than 5,000.	Name, address, sex, age, physical description, current photograph, and a statement of the sex crime or crimes for which the offender has completed sentence, and the date of release. The notification shall also include a statement that the same information is on file at police headquarters, or sheriff's office, and is available to the general public.	No levels of risk; statute applies to any person convicted of any criminal sexual offense.	Upon conviction.
Arizona	Convicted sex offenders who: are released from prison, are placed on probation, violate and are reinstated to probation, or have been accepted under Interstate Compact on or after June 1, 1996; notification dependent upon level of risk.	Community notification guidelines provide for levels of notification based on the risk a particular offender poses to the community: for <u>level I</u> offenders, the local law enforcement agency that has responsibility for notification shall maintain information about the offender and may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides; for <u>level II</u> offenders, the notification may be made to schools, neighbors, community groups, and prospective employers; for <u>level III</u> offenders, the notification shall be made to schools, neighbors, community groups, and prospective employers;	<u>Level III</u> flyers can contain a picture and address of the offender, a brief criminal history, and synopsis of the mode of operation used when committing the offense.	A screening tool developed by the Community Notification Guidelines Committee will place an offender into a low, medium, or high category. Such factors as seriousness of crime, use of force, history of criminal behavior, and number of victims will be assessed. <u>Level I</u> offenders pose a lower risk to the community. <u>Level II</u> offenders pose a medium risk to the community. <u>Level III</u> offenders would pose the greatest risk to the community.	Within 72 hours of release or sentencing.

State	Population Subject to Notification	Notification Process	Information Included	Levels of Risk	When Risk is Assessed
Massachusetts	A person convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, or released from incarceration or parole or probation on or after August 1, 1981; notification dependent upon level of risk.	Notification process is dependent upon the degree of risk of re-offense by the offender: <u>low risk</u> , registration data transmitted to police departments where the offender intends to live and work and where the offense was committed and to the F.B.I.; <u>moderate risk</u> , schools, day care centers, religious and youth organizations, and sports leagues that are likely to encounter the offender must also be notified; <u>high risk</u> , individual members of the public which are likely to encounter the offender must also be notified. The public shall have access to all levels of sex offender information.	Level II and III notifications include: offender's name, address, work address, offenses for which convicted, date of conviction, age, sex, race, height, weight, eye and hair color, and a photograph of the offender.	Guidelines for community notification established in a three level system dependent on the degree of risk of re-offense by the sex offender: <u>Level I</u> , low risk; <u>Level II</u> , moderate risk; <u>Level III</u> , high risk. Factors relevant to the risk of re-offense shall include, but not be limited to: criminal history factors indicative of a high risk of reoffense; conditions of release that minimize risk of reoffense; physical conditions that minimize risk of re-offense; whether the offender was a juvenile when offense was committed, response to treatment and subsequent criminal behavior; whether psychological or psychiatric profiles indicate a risk of recidivism; history of drug/alcohol abuse; recent behavior; review of victim impact statement and review of any materials submitted by the offender.	The sex offender registry board shall make a determination of each sex offender listed in the registry, beginning with offenders who have been released from incarceration within the past 12 months, are currently on parole or probation, or are scheduled for release within 6 months.
New Hampshire	Adult sex offenders required to register.	Law enforcement may notify organizations in the community where an offender intends to reside. Organizations include, but are not limited to: schools, youth groups, day care centers, summer camps, libraries, or any other organization where children gather and are supervised by persons in the organization. Law enforcement may utilize a form developed by the department of safety for the dissemination of information.	Law enforcement may provide an organization with the following information: offender's name and address, recent photograph, offense for which convicted, method of approach, and information on the profile of previous victims.	An offender can file a petition for a qualified order with the superior court. The court shall issue a qualified order if the court finds by clear and convincing evidence that the offender's risk of re-offending is low. In reaching its finding the superior court may consider, but not be limited to: conditions of release which minimize the risk of re-offending; whether the petitioner's physical condition minimizes the risk of re-offending; factors present in the petitioner's criminal history; any history of substance abuse; response to treatment; and recent behavior.	Upon conviction.
Rhode Island	Registration required for any person who has been convicted of a criminal offense against a victim who is a minor, a sexually violent offense, or has been determined to be a sexually violent predator; notification dependent upon level of risk. Applies to those convicted of an offense committed after the effective date of this act.	Notification process is dependent upon the degree of risk of reoffense by the offender: <u>low risk</u> , law enforcement agencies likely to encounter the registered person shall be notified; <u>moderate risk</u> , organizations in the community including schools, religious and youth organizations likely to encounter the registered person shall be notified; <u>high risk</u> , members of the public likely to encounter the registered person shall be notified though means in accordance with the notification advisory council and attorney general's guidelines.	Procedures for community notification, including content and form, to be developed.	Guidelines for community notification established in a three level system dependent on the degree of risk of re-offense by the sex offender: <u>Level I</u> , low risk; <u>Level II</u> , moderate risk; <u>Level III</u> , high risk. Factors relevant to risk of re-offense include, but are not limited to: conditions of release that minimize risk of re-offense; physical conditions that minimize risk of re-offense; criminal history factors indicative of high risk of re-offense; whether or not psychological or psychiatric profiles indicate a risk of recidivism; the offender's response to treatment; recent behavior; recent threats against persons or expressions of intent to commit additional crimes.	Upon parole.

Table 1b
States With Community Notification Laws

State	State Role	Local Role	Comments	Contact Person
Alabama	The warden of the correctional facility in which the offender is incarcerated shall, within 48 hours of an offender's declaration of intended residence, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the offender intends to reside, the chief of police of any municipality, and the F.B.I.	The Chief of Police, or county sheriff, shall notify all persons, within a designated area of the declared residence of the released offender, that the offender will be establishing his or her residence in proximity to the residents.	No released sex crime offender shall be allowed to establish a legal residence within 1,000 feet of any public or private school, day care center, any other child care facilities, or former victims.	Ron Cunningham Criminal Justice Information Center (205) 242-4900
Arizona	The agency that had custody of the offender must complete the risk assessment instrument and send it, along with identifying information about the offender, and the date of release and sentencing to the Department of Public Safety. Within 10 days after release or sentencing, the Department of Public Safety must make sure the offender is registered and forward the material they received to the sheriff in the county where the offender is residing.	The sheriff of the county in which the offender is residing must forward the material received from the Department of Public Safety to the chief law enforcement officer of the community in which the offender is residing unless he or she is that officer. Within 45 days of receiving the information about the offender, the chief law enforcement officer must categorize the offender and place him/her into a notification level and make the required notification.		Nancy Hughes Bureau Administrator in the Community Supervision section of Community Corrections Department of Corrections (602) 255-4240
Massachusetts	The sex offender registry board shall develop guidelines to assess the risk of re-offense by a sex offender and shall provide for three levels of notification depending on the risk of re-offense. The board shall transmit registration data to the police departments where the offender intends to live and work and where the offense was committed, and to the F.B.I.	The police department receiving the registration information from the sex offender registry board shall be required to notify the appropriate organizations or individuals in the community in which the offender intends to live, work, and where the offense, for which registration was required, was committed.	Level I designation shall be final, with no judicial review. A level II or level III designation may be petitioned by the offender in the superior court where the offender intends to reside.	Margot Friedman Counsel; Senator Antonioni (617) 722-1230
New Hampshire	Statewide LENS computer system will maintain list of registered sex offenders.	Offender must register with local law enforcement agency, which is responsible for further dissemination of information. Law enforcement notifies community organizations of a sex offender within 10 days of registration. Offender petitions must be filed with the Merrimack county superior court. If the court finds by clear and convincing evidence that disclosure beyond law enforcement is not warranted, the offender's registration information shall be sealed.	This act is effective August 2, 1996.	Wendi Howard State Police (603) 271-2663
Rhode Island	A notification advisory council is established to consult with and provide recommendations to the attorney general concerning the guidelines to be promulgated for community notification. The council shall consist of 12 members who have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education or community relations.	The parole board and the chief law enforcement officer of the city or town in which the convicted offender will reside shall develop procedures for evaluation of the risk of re-offense and implementation of community notification.	Guidelines to be established within six months of the appointment of the notification guidelines council members.	Chris Shaban Attorney General's Office (401) 274-4400

Table 2a
States That Allow Access to Registration Information

State	Offenders Subject to Registration	Registry Type	Information Included	Who Has Access
South Carolina	A person convicted of a following offense: criminal sexual conduct in the first, second, third degree or assaults with intent to commit; criminal sexual conduct with a minor in the first or second degree; engaging, producing directing, or promoting a child for sexual performance; incest; buggery; eavesdropping or peeping; or indecent exposure. Applies to persons convicted after July 1, 1994.	Sex offender registry maintained on state wide level. Registration information available at local level.	Name of the offender, any aliases, date of birth, current home address, offense for which offender was required to register, date, city and state of conviction, and a photocopy of a current photograph is provided.	Information collected for the offender registry is open to public inspection, upon request to the county sheriff. Request must be made in writing, stating the name of the person requesting the information, and the name or address of the person about whom the information is sought. State level registry can only release to the public the name of the county in which the offender is registered, if the request is made in writing, stating the name of the person requesting the information, and the name or address of the person about whom the information is sought.
Utah	Adult sex offenders	Sex offender registration information maintained on state wide level.	Sex offender's name and address, physical description, type of vehicle, any conditions or restrictions of release, current photograph, name or telephone number of offender's parole and probation officer, crimes charged with and convicted of, description of offender's primary and secondary targets, and a description of the offender's method of offense.	Law enforcement agencies, State Office of Education, Department of Corrections, and a petitioner pursuant to a petition approved by the department. A petitioner is a person who requests in writing for information about a sex offender, and is a victim of a sexual offense or a resident in a location where a sex offender is suspected to reside. A petition must include a return address and telephone number.
Vermont	Sex offenders convicted on or after July 1, 1996, and sex offenders convicted prior to July 1, 1996, confined under the custody of the commissioner of corrections, and released from confinement on or after July 1, 1996.	Sex offender registry maintained on state wide level.	Sex offender's name, date of birth, general physical description, current address, Social Security number, fingerprints, current photograph, and current employment.	Local, state and federal law enforcement agencies, any employer, including a school district who is authorized by law to request records and information from the criminal information center, where such disclosure is necessary to protect the public concerning persons required to register.
Wisconsin	All individuals who are convicted of felony sexual offenses or whose offense is determined to be sexually motivated.	Sex offender registry maintained on state wide level. Registration information also available on local level. There will be ongoing direct access to the registry through an "800" phone line.	Offender's name and any aliases, date of conviction or commitment, make, model and license number of vehicle, supervising agency and phone number, and date information was last updated.	Law enforcement, vulnerable agencies such as schools, child care centers, foster homes, Boy Scouts and Girl Scouts of America, and the general public.

Table 2b
States That Allow Access to Registration Information

State	State Role	Local Role	Comments	Contact Person
South Carolina	Statewide sex offender registry is under the direction of the chief of the State Law Enforcement Division (SLED). Department of Corrections or the Department of Probation, Parole, and Pardon services, as applicable, shall notify the sheriff of the county where the offender intends to reside and SLED that the offender is being released.	The offender shall register with the sheriff of the county in which he/she resides. The county sheriff shall then forward to SLED the registry information and any updated information regarding the offender. A copy of this information must be kept by the sheriff's department.	Any person required to register under this statute shall be required to register annually for a period of life.	Capt. Nita Danenburg Law Enforcement Division (803) 896-7051
Utah	State Department of Corrections (DOC) shall develop and operate a system to collect, analyze, maintain, and disseminate information on sex offenders and sex offenses.	Any law enforcement agency shall inform the DOC of a report or complaint of a sex offense, an arrest of a person suspect of committing a sex offense. Upon convicting a person of a sex offense, the convicting court shall forward a copy of the judgment and sentence to the DOC.	This law is not retroactive. The DOC shall make rules necessary to implement this law including: criteria for approval of a petition, method of dissemination of information, and instructions regarding use of information by a petitioner.	Machelle Rodriguez Department of Corrections (801) 265-5626
Vermont	Department of Public Safety established and maintains a statewide sex offender registry. The Department of Corrections shall notify the Department of Public Safety of sex offender's release or change of address. Upon receipt of information, the Department of Public Safety shall transmit the conviction data and fingerprints to the F.B.I.	Sentencing court shall forward the sex offender's conviction record, including offense, date of conviction, sentence and any conditions of release or probation to the Department of Public Safety.	Law is effective September 1, 1996.	Max Schlueter Criminal Information Center, Department of Public Safety (802) 244-8727
Wisconsin	An "800" phone line will be operated state wide. Department of Corrections makes available all information on released sex offenders to local law enforcement, individual inquiries may be made to the department as well. Law enforcement can access the sex offender registry through the CIB/TIME computer access system.	Local law enforcement maintains registration information, inquiries may be made by members of the general public. County sheriff or local police chief may disseminate additional information about a released sex offender when deemed necessary.	The law allows for flexibility and discretion for decision making, regarding community notification of a sex offender, to be made at the community level—meaning law enforcement and correctional officials. The law does not mandate expanded methods (flyers or ads in newspapers) of community notification.	Anthony Steveler Department of Corrections (608) 266-3831 Special Agent Ron Feurer Department of Justice (414) 227-2100

COMMUNITY NOTIFICATION LEGISLATION UPDATE

Alabama: S. 393

Arizona: S. 1118

Massachusetts: H. 5949

New Hampshire: H. 1543

Rhode Island: H. 7575

South Carolina: S. 1286

Utah: H. 15

Vermont: S. 217

Wisconsin: S. 182